



OFFICE OF THE POLICE COMMISSIONER

ONE POLICE PLAZA • ROOM 1400

January 16, 2009

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Theodore Watson**
Tax Registry No. 933526
Facilities Management Division
Disciplinary Case No. 83132/07

The above named member of the service appeared before Assistant Deputy Commissioner John Grappone on September 23, 2008 and was charged with the following:

DISCIPLINARY CASE NO. 83132/07

1. Said Police Officer Theodore Watson, while assigned to the 101st Precinct, while off-duty, on or about November 1, 2006, did wrongfully engage in conduct prejudicial to the Good Order, Efficiency or Discipline of the Department in that said Police Officer, at a location known to this Department, in Suffolk County, New York, knowing that a written instrument contained a false statement or false information, offered or presented it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant, to wit: said Officer reported to the Suffolk County Police Department that the license plates to said Officer's vehicle were lost or stolen when in fact said Officer was aware that the plates were still affixed to the vehicle.

**PG 203-10, Page 1, Paragraph 5 PUBLIC CONTACT-PROHIBITED CONDUCT
GENERAL REGULATIONS
NYS Penal Law Section 175.30 OFFERING A FALSE INSTRUMENT FOR
FILING IN THE SECOND DEGREE**

2. Said Police Officer Theodore Watson, while assigned to the 101st Precinct, while off-duty, between August 1, 2006 and August 31, 2006 did wrongfully engaged in conduct prejudicial to the Good Order, Efficiency or Discipline of the Department, in that said Police Officer transported a vehicle to North Carolina in order to avoid repossession.

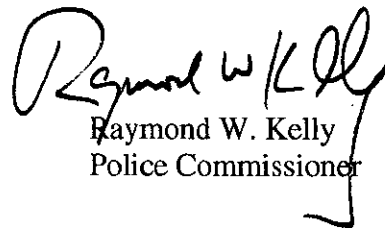
**P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT-PROHIBITED CONDUCT
GENERAL REGULATIONS**

**POLICE OFFICER THEODORE WATSON
DISCIPLINARY CASE NO. 83132/07**

In a Memorandum dated December 2, 2008, Assistant Deputy Commissioner of Trials (ADCT) Grappone accepted the Respondent's PLEADING GUILTY to both Specifications. Having read the Memorandum and analyzed the facts of this instant matter, I approve the findings, but disapprove the penalty.

No criminal charges were filed in this matter, and the Respondent's service and performance history with the Department has otherwise been satisfactory and productive. Although the Respondent's service record is now negatively annotated with this instant disciplinary matter, a review of the underlying facts and specific circumstances of this case, taken concomitantly with his noted service with the Department, offers temperance against his outright dismissal from the Department, as was recommended by ADCT Grappone.

Therefore, the penalty for this disciplinary matter will be the forfeiture of 30 Vacation days, and Respondent Watson is to also be placed on a One-Year Dismissal Probation period.


Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Theodore Watson : ORDER
Tax Registry No. 933526 : OF
Facilities Management Division : DISMISSAL
-----X

Police Officer Theodore Watson, Tax Registry No. 933526, Shield No.2238,
Social Security No. [REDACTED] having been served with written notice, and has plead Guilty
has been tried on written Charges and Specifications numbered 83132/07, as set forth on
form P.D. 468-121, dated July 11, 2007, and after a review of the entire record, has been
found Guilty as Charged.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the
Administrative Code of the City of New York, I hereby DISMISS Police Officer
Theodore Watson from the Police Service of the City of New York.

RAYMOND W. KELLY
POLICE COMMISSIONER

EFFECTIVE:

COURTESY • PROFESSIONALISM • RESPECT

-----X
In the Matter of the Charges and Specifications

: Case No. 83132/07

- against -

Police Officer Theodore Watson

Tax Registry No. 933526

Facilities Management Division
-----X

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable John Grappone
Assistant Deputy Commissioner - Trials

A P P E A R A N C E:

For the Department:

Mark Berger, Esq.
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent:

Craig Hayes, Esq.
Worth, Longworth & London, LLP
111 John Street – Suite 640
New York, NY 10038

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

The above-named member of the Department appeared before me on September 23, 2008, charged with the following:

1. Said Police Officer Theodore Watson, while assigned to the 101st Precinct, while off-duty, on or about November 1, 2006, did wrongfully engage in conduct prejudicial to the Good Order, Efficiency or Discipline of the Department in that said Police Officer, at a location known to this Department, in Suffolk County, New York, knowing that a written instrument contained a false statement or false information, offered or presented it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant, to wit: said Officer reported to the Suffolk County Police Department that the license plates to said Officer's vehicle were lost or stolen when in fact said Officer was aware that the plates were still affixed to the vehicle.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT–PROHIBITED
CONDUCT

GENERAL REGULATIONS

NYS Penal Law Section 175.30 – OFFERING A FALSE INSTRUMENT FOR
FILING IN THE SECOND DEGREE

2. Said Police Officer Theodore Watson, while assigned to the 101st Precinct, while off-duty, between August 1, 2006, and August 31, 2006 did wrongfully engage in conduct prejudicial to the Good Order, Efficiency or Discipline of the Department, in that said Police Officer transported a vehicle to North Carolina in order to avoid repossession.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT–PROHIBITED
CONDUCT

GENERAL REGULATIONS

The Department was represented by Mark Berger, Esq., Department Advocate's Office, and the Respondent was represented by Craig Hayes, Esq.

The Respondent, through his counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

The Respondent, after pleading guilty to all the charges and specifications testified that he is 5-year member of the Department currently assigned to the Facilities Management Division. In 2006, the Respondent was assigned to patrol duties at the 101 Precinct. The Respondent testified that he is currently separated from his [REDACTED] and has three children.

The Respondent stated that in January 2006 he purchased a 2005 (Honda) Element and financed the car through Wachovia Bank. He acknowledged that he entered into an agreement with Wachovia to make monthly payments for the vehicle. With regard to meeting the monthly payments he stated that, "I was still going through a financial hardship, but I felt that I was able to afford it. So that's why I purchased the vehicle because my [REDACTED] needed a vehicle." He further stated that, "the agreement that we (he and his [REDACTED]) had is that I finance the vehicle and she made the payments because my credit was a little bit better than hers, so I was able to get the vehicle. So...the payments that I thought was actually being made was at least until June or July [2006] and then the payments started getting harder and harder." The Respondent acknowledged that he fell behind in the payments because it was actually his responsibility to pay for the Honda.

In the summer of 2006 his [REDACTED] made a decision to leave the Respondent and take the children and move to North Carolina. While the Respondent was not happy with the decision he stated that, "she felt that, you know, I wasn't being the bread winner of the family.... Wasn't taking care of the bills, but it was the extra stuff that, you know, she

wanted more. So I wasn't able to keep up with that." In August of 2006 the Respondent's [REDACTED] moved to North Carolina.

The Respondent testified that while his [REDACTED] was in the process of moving to North Carolina she asked if she could take the Honda. The Respondent at first told her no "but then it just got to the point where she was just throwing it in my face, 'well, you know, if I don't have a car, the kids, you know, I am not going to be able to care for them. I am not going to be able to take them places, to the doctor, to school and stuff like that.'"

The Respondent stated that he knew it was wrong to let her take the vehicle to North Carolina but it was his hope that he "could make some type of payment arrangement or make some extra money so I can make the bank happy and I could make her happy. It got to point where it was just too overwhelming for me and I couldn't handle it. So, you know, it just got worse ever since then."

The Respondent was then shown a Suffolk County Police Department report (RX A) and he admitted that he recognized the document and acknowledged that the report was dated November 1st (2006). He stated that he filed the report because in August of 2006 he received a letter from the Department of Motor Vehicle stating that there was no insurance on the vehicle and for him to turn in the license plates. He stated:

[A]t that time they gave me a certain amount of time to where I had to turn in the plates or else my license was going to get suspended, so I took it upon myself to buy myself some time because didn't have money to pay for insurance. I went to the Suffolk County Police Department, 3rd Precinct, and filed a lost plate report. (RX A)

He stated that he told the officer at the precinct "I had lost the plates. I didn't know where they were, and that was it." He further stated that when he gave

them that information he knew that the information was not true. He also stated as far as he knew the plates were in North Carolina at the time he told the officers at the precinct that the plates were lost.

[RX A is titled "Police Department, County of Suffolk, N.Y. Field Report." The Respondent offered the police the following information: Under the box titled "Incident" it states: "Lost/Stolen Property." Under "Incident Location" it states: [REDACTED] [REDACTED]." Under "Day, Date, and Time" it states: Tues., 8-15-06 and 1500." Under "Complainant or Victim" it states: "Watson, Theodore." And under "Address" it states "same as above." For the "Details" section it states: "Above Comp. reports (2) lost/stolen [REDACTED]" The report is dated November 1, 2006 and it is signed by the officer who prepared the report. (RX A)]

When the Respondent was asked why he was afraid of his license getting suspended he stated "I know you need a valid license to be a police officer. You know, I needed to buy sometime. At one point I did ask for the plates back, but she gave me a hard time in, you know, giving the plates back. And me being in New York and her being in North Carolina the time that I had I just wasn't able to make a trip down there and, you know, take care of it myself, so that's when I made the report." He further explained that he:

[K]new at the time it was to appease my job because I know the type of job that I have and I love doing my job, and I was trying to satisfy my [REDACTED] and make sure that, you know, my kids were able to, you know, make sure they were taken care of properly. I know her going down there without a car, she was pretty much going to be by herself even though she did have family, but the support structure down there wasn't as strong. I just felt that, you know - - I know what I did, you know, was wrong and I shouldn't have lied and been deceitful, but it was just that I really didn't know what to do. It was my job, my family, two of the most important things in my life and, you know, it was pretty much a constant battle

between the two. So I kind of felt -- it was bad enough that my kids were down there, and I considered myself to be a very family orientated person. You know, I provide for my kids the best way I can and just to buy myself some time. That's what I did, you know. I was hoping to buy myself some time, but it just all blew up in my face.

On cross-examination, the Respondent testified that he received a call in late November 2006, from a Mr. [REDACTED] from Wachovia bank and told him that a [REDACTED] had the car. The reason he told him that was because he was trying to buy some time. He stated that [REDACTED] was a friend of his. The Respondent stated that that's not how he expected this all to end. At that point he had already filed the police report and that things were starting "to blow up in my face so ever since that time, after that I was really pressing my wife at that time to get the plates back, to come to some type of rectification. I told her, you know, my job is involved now and, you know, we got to do something." He acknowledged that he was hoping that some how he could get caught up with the car payments so that the Department would not find out about what he was doing.

The Respondent stated that on February 6, 2007, he was officially interviewed by Department investigators under P.G.-206-13. It was also on that date that he notified the bank as to the location of the car. When asked if he called the bank on that date because he was ordered by Sergeant Langmaack on that date to do so and tell them where the car was he replied, "I wouldn't say order, but it was--I knew I was there for--I knew the seriousness of it, so prior to anything, I had made a phone call to my [REDACTED] and I told her to get the stuff out of the car, any paperwork that you might have because I'm giving the information for them to come and pick up the vehicle."

The Respondent admitted that early in his official Department interview he told investigators that he did not know where the car was. He explained that "at that point, it

was at a very intimidating situation that I was in and I felt that you know -- you know, at one point, to tell you the truth, when I went there they had -- they didn't -- they weren't on the same page as me because---they were asking me about another incident, about another vehicle. That was in the beginning of the interview because when they were asking me about the car; it was like, like well did it get repossessed? And they had a location that it was repossessed at the precinct, and I told them that was my own personal vehicle that got repossessed. It wasn't until after that that we were on the notion of the Honda Element from Wachovia Bank."

When he was asked why he would try to hide anything at that point he explained "I was just nervous at that point. I just want to - - like I said, everything was all coming to a head and, you know I just couldn't, you know, think straight." He further explained that "when I made the police report, I said that I didn't know where the plates where. And then when they were interviewing me about the plates, I told them that I did not know where the plates were because before the G.O., I did go down to North Carolina and the plates were not vehicle. Prior to me going down there, which was before the G.O. the plates were not on the car." He further stated that he and his [REDACTED] were not getting along at that point and that she knew he was trying to get the plates back, but she was not cooperating with him.

The Respondent acknowledged that on the Suffolk County police report (RX A) he gave his home address in [REDACTED] County as the location where the plates where lost or stolen. He acknowledged that the report was not true in two different areas: number one that the plates were lost or stolen and second that they were lost or stolen at his address in [REDACTED] County.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974).

The Respondent was appointed to the Department on July 03, 2003. Information from his personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent pled guilty to conduct prejudicial to the Department in that he falsely reported to the Suffolk County Police Department that the license plates to his 2005 Honda Element were lost or stolen and that he transported his vehicle to North Carolina in order to avoid repossession by the bank. This Court is mindful that during the Respondent's testimony he did not specifically testify that he drove the car to North Carolina to avoid having it repossessed. He did, however, plead guilty to the specification as it is written and testified that he permitted the vehicle to be taken to North Carolina because his [REDACTED] needed the vehicle and he allowed it to remain there because he needed time to come up with the money to resume the payments on the car. In addition, it was during that period that he falsely reported the plates "lost or stolen." It is therefore clear to this Court that it was his intent to have the car remain in North Carolina to avoid having it repossessed.

The Respondent, as a uniform member of the New York City Police Department, has sworn to uphold and enforce the law. By pleading guilty to the charges in this case he admitted to what is essentially the crime of filing a false instrument with another police agency and committing a fraudulent act against the bank by not making his

vehicle's location known to Wachovia thereby preventing it from recovering its property once he defaulted on his car payments.

The Respondent, as a police officer, is held to a higher standard than the citizens he is sworn to protect. As such he cannot commit the illegal acts he pled guilty to and expect to be excused because he was having personal and financial problems at home. He corrupted his position as a law enforcement officer and irreversibly tarnished the trust that the Department had placed in him to maintain the high standards necessary to representing and enforcing the law.

In Disciplinary Case No. 76743/01, the Respondent was dismissed from the Department for falsely reporting her private vehicle, committing Attempted Grand Larceny and Insurance Fraud, and Falsifying Business Records. The essence of the illegal acts committed in case 76743/01 are in line with the illegal acts committed by the Respondent in this case. Both tarnish the trust the Department placed in these officers and both warrant dismissal from their positions as police officers.

Based on the foregoing, it is recommended that the Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,


John Grappone
Assistant Deputy Commissioner-Trials

